

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**CRIMINAL ACTION NO. 13-cr-20557**

**v.**

**DISTRICT JUDGE PAUL D. BORMAN**

**D-1 TRAVIS MARTIN MCCOY,**

**MAGISTRATE JUDGE MONA K. MAJZOUN**

**Defendant.**

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**REPORT AND RECOMMENDATION**

Defendant Travis Martin McCoy pled guilty to bank fraud in violation of 18 U.S.C. § 1344 on September 17, 2013. (Docket no. 24.) He was sentenced to imprisonment for a period of 24 months to be followed by three years of supervised release. (Docket no. 46.) On February 16, 2017, Defendant filed a “Motion for Probation Violation Disposition.” (Docket no. 60.) Plaintiff United States of America (the “Government”) filed a Response on March 13, 2017. (Docket no. 63.) The Motion has been referred to the undersigned for a report and recommendation. (Docket no. 61.) The undersigned has reviewed the pleadings, dispenses with a hearing pursuant to Eastern District of Michigan Local Rule 7.1(f), and issues this Report and Recommendation.

**I. RECOMMENDATION**

For the reasons that follow, it is recommended that Defendant’s Motion for Probation Violation Disposition (docket no. 60) be **DENIED**.

**II. REPORT**

As the Government points out, it appears Defendant is currently in the custody of the Michigan Department of Corrections for an identity theft offense committed on November 5, 2015. (*See* docket no. 63-1.) In his Motion, Defendant states that “[d]uring classification review September 20, 2016, by the Michigan Department of Corrections defendant discovered a ‘notification detainer for a probation violation’ in the aforementioned case,” apparently referring to this federal court case. (Docket no. 60 at 1.) He appears to believe that the Government charged him with a violation of his probation, and he requests a “disposition of his pending probation violation, permitting the Court’s final determination to [sic] defendant’s condition of supervised release/probation concurrent to defendant’s state term of incarceration.” (*Id.* at 2.)

In its Response, the Government states and the undersigned agrees, that “[t]he docket in this case lacks any indication that the United States Probation Department took any action against the defendant for violating the terms and conditions of his supervised release.” (Docket no. 63 at 3.) Because the Government has not charged Defendant with a violation of his probation, there is no need to conduct a hearing to dispose of any “pending probation violation,” and Plaintiff’s Motion should be denied.

### **III. NOTICE TO PARTIES REGARDING OBJECTIONS**

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Eastern District of Michigan Local Rule 72.1(d). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *U.S. v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity, will not preserve all the objections a

party might have to this Report and Recommendation. *Willis v. Sec’y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed’n Of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Any objections must be labeled as “Objection #1,” “Objection #2,” etc. Any objection must recite *precisely* the provision of this Report and Recommendation to which it pertains. Not later than fourteen days after service of an objection, the opposing party must file a concise response proportionate to the objections in length and complexity. The response must specifically address each issue raised in the objections, in the same order and labeled as “Response to Objection #1,” “Response to Objection #2,” etc.

Dated: August 29, 2017

s/ Mona K. Majzoub  
MONA K. MAJZOUN  
UNITED STATES MAGISTRATE JUDGE

### **PROOF OF SERVICE**

I hereby certify that a copy of this Report and Recommendation was served upon counsel of record on this date.

Dated: August 29, 2017

s/ Leanne Hosking  
Case Manager Generalist